CITY OF OAKLAND

ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Ryan Richardson
City Attorney

(510) 238-3601
Fax: (510) 238-6500
TTY/TDD: (510) 238-3254

PUBLIC NOTICE AND REPORT OF NON-COMPLIANCE WITH THE BROWN ACT ("OPEN MEETING LAW")

September 8, 2025

HONORABLE CITY COUNCIL
AND MEMBERS OF THE PUBLIC

Re: Councilmembers' Serial Meetings On Matters Within Council's Subject Matter Jurisdiction And That Represent Future City Council Agenda Items

I. BACKGROUND

This Office received a record of meeting notes from meetings that a member of Council President Jenkins' Office held with each City Council Office. Councilmember Houston was present in meetings with at least four of the Council offices. The topic of each meeting was Councilmember Houston's proposed amendments to the 2020 Encampment Management Policy ("EMP"), sometimes discussed as the new "Encampment Abatement Policy." The record of meeting notes is attached to this report as Exhibit A, with references to attorney-client privileged communications redacted.

The series of meetings concerned matters within the City Council's subject matter jurisdiction (i.e., items that may be placed on a future City Council agenda), because any amendments to the EMP must be adopted by Resolution of the City Council. According to the meeting notes, no more than a quorum of Councilmembers or Councilmembers' staff was present at each meeting. However, the meeting notes indicate that at each meeting, the Councilmember's staff and the sponsor of the legislation presented the draft of the EMP amendments and deliberated the specific policy considerations.

These meeting communications did not comply with the Ralph M. Brown Act ("Brown Act") requirement that matters within the subject-matter jurisdiction of the legislative body be considered only during a duly-noticed public meeting. A series of one-on-one meetings or conferences that lead to a discussion, deliberation or action by a majority of the Council (five or more councilmembers) is not permitted under the Brown Act.

This Office contacted Councilmember Jenkins and Councilmember Houston regarding the serial communications to advise the Councilmembers of the Brown Act requirement. This notice and report will be posted on the City Attorney's website.

II. THE PURPOSE OF THE BROWN ACT "OPEN MEETING" LAW IS TO ENSURE THAT DISCUSSION, COMMUNICATIONS, AND DELIBERATIONS BY A QUORUM OF THE COUNCIL REGARDING ITEMS THAT MAY BE PLACED ON A COUNCIL AGENDA OCCUR ONLY DURING A DULY NOTICED OPEN OR CLOSED SESSION MEETING

The Brown Act is commonly referred to as California's "open meeting" law. (Government Code section 54950 et. seq.) The Brown Act is liberally interpreted. As the courts have declared, the purpose of the Brown Act is to facilitate public participation in decisions by local governmental bodies in order to deter misuse of the public process.

The Brown Act governs meetings conducted by local legislative bodies, such as the Oakland City Council, Council Committees, and City Boards and Commissions. Councilmembers are subject to the Brown Act's requirement that a quorum of the Council or of a Council Committee may discuss, deliberate, and communicate regarding items on the Council's or Council Committee's agendas only in open and public meetings, subject to a few specifically enumerated exceptions for closed session meetings.

The closed session exception to the open meeting requirement is narrowly construed and is authorized only by the specific statutory exceptions provided by the Brown Act. If the Brown Act doesn't provide a specific closed session exception, the discussion must be conducted in open session. (Gov. Code section 54962.)

To summarize, if closed session discussion of a matter is not authorized, all the deliberative processes by the Council or other legislative body, which include discussion, debate and the acquisition of information, must be conducted in open session and available to the public. (*Sacramento Newspaper Guild v. Sacramento County Bd. of Suprs.*, 263 Cal.App.2d 41 (1968).) The Brown Act applies only to multi-member bodies such as councils, boards, commissions and committees since, unlike individual decision makers, such bodies are created for the purpose of reaching collaborative decisions via public discussion and debate.

When a Councilmember communicates with a quorum of the Council outside of a duly noticed open or closed session meeting, whether the Councilmember communicates with a quorum of the Council simultaneously or serially until a quorum of the Council is privy to the communication, the communications are not in compliance with the Brown Act.

The Brown Act's goal is to have the formulation of positions and deliberations occur during a duly noticed public meeting so the public has knowledge of the process and can speak to the item(s). It is immaterial whether the noncompliance was intentional, unintentional or inadvertent.

The public has the right to know about non-compliant communication and the substance of the communication.

III. CONCLUSION

This notice and report provide the Council and the public a writing memorializing the instances of noncompliance with the Brown Act and explain the open meeting requirement and its purpose.

Very truly yours,

RYAN RICHARDSON
City Attorney

Enclosure: Attachment A: Encampment Abatement Policy Meeting Notes-Brown Act redacted.

Cc: City Clerk Asha Reed

ATTACHMENT A

District 5 Meeting Notes

- Ms. Patricia opened the conversation with important questions: *How much does the County give Oakland yearly for homeless encampments and other relevant resources? How much does the County have in unrestricted reserve funds, and how much can realistically be re-allocated in Oakland? How much did the County spend during COVID versus now on homelessness?*
- Ms. Patricia directed me to research these important questions and also asked me to email CM Courtney from Emeryville to arrange a meeting.
- Ms. Patricia briefly referenced tomorrow's Berkeley City Council meeting, during which Mayor Ishii is anticipated to introduce legislation permitting encampments at the Ashby BART station. (Side Note: During my time on Adena's campaign, her platform predominantly featured housing-first principles, emphasizing the urgent need to house displaced people. She additionally advocated for immediate development of high-rise affordable housing at the Ashby BART location. Unfortunately, this proposed legislation represents an unexpected departure from her campaign priorities, per my discussions with Ms. Patricia yesterday.)
- Ms. Patricia then presented the amendments to the Encampment Management Policy for CM Gallo and his District Director, Josephine. She explained it has already been critiqued and approved by OPD, OFD, ACA Duffey, as well as OakDOT. Ms. Patricia also reported to CM Gallo that the previously mentioned stakeholders have given great feedback so far and would like this presented to Council without delay. However, Ms. Patricia also mentioned the importance of meeting with individual CMs and meeting with individual stakeholders.
- Ms. Patricia illustrated that there is an Executive Order from former Mayor Sheng Thao alongside a parallel directive from Governor Newsom. She emphasized the critical necessity of clearing encampments, as failure to do so jeopardizes our State funding allocations for homelessness. The Governor's Office is actively monitoring cities to verify implementation of robust encampment policies. (Side note: CA maintains the nation's highest homelessness rates, underscoring that this challenge extends beyond local boundaries and reflects a significant Statewide crisis).
- Ms. Patricia then referenced recent Court decisions that have effectively removed the City's obligation to provide housing alternatives when clearing encampments. Also, in light of our current budget deficit exceeding $100M+, we simply cannot sustain the financial burden of providing housing interventions. She then disclosed to CM Gallo that while $12.6M has been allocated toward encampment management, these expenditures suffer from inadequate tracking and lack of budgetary oversight. She also noted that neighboring Bay Area jurisdictions, including Fremont and San Francisco, have already

initiated revisions to their encampment management frameworks to ensure compliance with new State requirements.

- CM Gallo and Josephine inquired about the status of CM Reid's RV policy. Ms. Patricia explained that the presented policy represents a consolidated revision, combining multiple approaches into a single framework. This integration was deemed more appropriate as it addresses the challenge of coordinating numerous departments, providing clearer direction under one unified policy.
- CM Gallo expressed agreement with this approach, emphasizing the need for collaborative, bottom-up solutions. He referenced his previous work with Governor Newsom and officials from Alameda and Los Angeles Counties on similar initiatives. He further emphasized that CMs must initiate these policy conversations, given their role as policy architects.
- Ms. Patricia offered a candid assessment of the policy's stringency, rating it an "8" on a scale of 0-10, acknowledging room for stricter measures. However, she stressed the importance of practical implementation considerations, noting that previous feedback indicated Oakland lacks the staffing and resources necessary to execute a policy as strict as Fremont's, for instance.
- CM Gallo asserted that Oakland departments could and should demonstrate greater proactivity regarding encampment closures. He concurred with Ms. Patricia regarding the importance of incorporating enforcement mechanisms during the policy design phase, stating that any policy redesign must prioritize enforceability.
- CM Gallo highlighted a significant concern regarding the impact of encampments on OUSD facilities. He noted that OUSD's recent dissolution of their police unit and reduction of custodial staff has exacerbated these challenges.
- Regarding the provision specifying encampments must be 150-200 feet from schools, CM Gallo advocated for more definitive language, recommending complete prohibition of encampments near schools without specific distance metrics. Ms. Patricia subsequently amended the policy document to reflect this recommendation.
- CM Gallo shared observations drawn from his lived experience and constituent engagement, noting that some encampments include individuals who have migrated from neighboring municipalities including San Francisco, Berkeley, Emeryville, and San Leandro into Oakland. Based on these observations, he expressed substantial agreement with Patricia's proposed policy revisions. He emphasized that homelessness represents a regional challenge that transcends municipal boundaries.
- Ms. Patricia reiterated her commitment to engage with CMs (and potentially Mayors) from Emeryville, Berkeley, San Leandro, and other neighboring jurisdictions to collaboratively develop comprehensive homelessness solutions. She cautioned that delayed action would result in continued consequences for Oakland, including the

potential loss of millions in State funding currently at risk. She cited Long Beach, Los Angeles, and San Diego as examples of municipalities taking proactive measures regarding encampment management policies, including pursuing litigation against their respective Counties to secure additional resources.

- CM Gallo inquired about post-implementation procedures, specifically addressing the destination of displaced individuals following policy implementation. Ms. Patricia clarified that the County maintains emergency funding designated for homelessness response. She explained that once encampment management policy revisions are enacted and encampments are closed, the situation transitions into a public health matter—a domain that falls under County responsibility rather than city jurisdiction. The responsibility for securing appropriate housing alternatives consequently shifts to County authorities.
- She further noted that Ms. Susan from the County has previously released emergency funds in response to the COVID crisis and to address devastation caused by a fire in Chinatown. Ms. Patricia argued that similar resource allocation should be directed toward Oakland, particularly given the City's distinction as having the largest homeless population in the County. She concluded by acknowledging CM Gallo's status as the most senior CM, emphasizing that his perspective and advocacy would carry exceptional influence in this process.
- Josephine inquired whether there were plans to discuss this item with the Homeless Commission, to which Ms. Patricia confirmed. She instructed me to research the timing of the next commission meeting (which is scheduled for tomorrow at 5:15 PM, immediately following the conclusion of Berkeley's meeting). Josephine then requested information regarding the projected timeline and specifically asked about the existence of a 90-100 day implementation plan.
- Ms. Patricia indicated that the matter would be advanced with appropriate urgency, emphasizing that the County would bear responsibility for developing a comprehensive plan. She reiterated the County's jurisdictional responsibilities encompassing public health, safety net services, vector control, and related functions.
- CM Gallo highlighted the necessity of establishing a systematic tracking mechanism for encampment closures. He inquired about who was Chairing the Homeless Commission and the Commission's agenda priorities for 2025—questions he identified as critical for exploration during the upcoming Commission meeting.
- Following the meeting's conclusion, CM Houston expressed confusion regarding the school proximity policy. He advocated for the inclusion of specific numerical distance parameters to establish clear jurisdictional boundaries. After some discussion, I suggested a 500-foot boundary, which Ms. Patricia subsequently incorporated into the document.

- Ms. Patricia noted that an equity impact analysis would need to be conducted following the Council's approval of the encampment management revisions. She also raised important questions regarding success metrics for the policy implementation. Additionally, she observed that currently only approximately 25% of displaced individuals accept offered services—a statistic she indicated would need to improve. The meeting then concluded.

District At-Large Meeting Notes

- CM Brown was not present at the meeting due to a scheduling conflict. She was represented by her Policy Director, Chiamaka, and her Chief of Staff, Georgia. They clarified that they were not authorized to speak on CM Brown's behalf but were present to ask questions and take notes. They shared that CM Brown is still in the process of educating herself on the Encampment Management Policy and has not yet formed an official position.
- Ms. Patricia began by providing background on the policy. She explained that the Encampment Management Team was originally established in 2017 as a multi-disciplinary group. The formal policy itself was introduced in 2020. However, she emphasized that the policy has proven to be flawed and ineffective, which is why amendments are currently being proposed. She noted the urgency of these changes, citing that Oakland now accounts for 58% of the County's unhoused population. She strongly critiqued the policy for lacking clear metrics or mechanisms to measure success.
- Ms. Patricia also referenced financial data, stating that between 2019 and 2021, Oakland spent $12.6M on encampment-related efforts, yet there has been virtually no tracking or accountability for how these funds were used.
- Additionally, she cited the 2024 Executive Order issued by former Mayor Sheng Thao, as well as the Governor's parallel Executive Order regarding encampments. The latter mandates that municipalities will be closely monitored, and future State funding will be contingent upon the strength and effectiveness of their encampment management policies.
- Ms. Patricia further highlighted the current lack of coordination among departments involved in encampment management. She noted that responsibilities are often unclear or misaligned—for example, OakDOT does not handle vehicle ticketing, which instead falls under the jurisdiction of OPD. This lack of organization hampers efficient and effective policy implementation.
- Ms. Patricia emphasized the necessity of clearing and removing encampments, citing both legal and public health considerations. She explained that through her collaboration with the County and Supervisor Miley's Office, it has been made clear that once individuals leave tents, the situation becomes classified as a public health issue. In such cases, jurisdiction shifts from the City to the County. The County is responsible for overseeing public health matters, including vector control, and thus it falls on them—not the City—to manage the aftermath and provide equitable housing solutions for displaced individuals once encampments are cleared.
- In addition to her critique of the lack of tracking of Oakland's $12.6M expenditure on encampment-related efforts, Ms. Patricia pointed to San Jose as a successful case study. Despite having a population of over 1M+ and once facing a similar crisis, San Jose has

significantly revised its Encampment Management Policy. It now closely monitors and tracks its spending, resulting in a steep decline in its unhoused population. San Jose is now being viewed as a model for how CA municipalities can effectively address homelessness through data-informed, well-coordinated policy and fiscal responsibility.

- Following Ms. Patricia's presentation, Chiamaka thanked her for the thorough research and thoughtful insights. He inquired specifically about the vehicle component of the policy and what changes were being proposed. Georgia added that she had been in ongoing conversations with ACA Duffey and Amari regarding this issue.
- Ms. Patricia responded by explaining the evolution of the vehicle-related policy. She noted that CM Reid and Mayor Jenkins initially sought to develop a standalone RV policy. However, they have since concluded it would be more appropriate to incorporate RVs and other vehicle dwellings into the broader Encampment Management Policy.
- One of the most significant proposed changes is that vehicles will no longer be categorized as encampments. Ms. Patricia emphasized that vehicles are not adequate or humane shelters, and normalizing their use as such is dehumanizing.
- She also underscored the importance of enforceability when crafting policy. Edits and reforms must be practical and capable of being implemented. Drawing on prior conversations with the City Auditor, Ms. Patricia highlighted the need for clear metrics to measure success—something the current policy lacks. She reiterated to Chiamaka and Georgia that Governor Newsom's administration will evaluate Oakland's revised Encampment Management Policy based on these metrics, and future State funding will be influenced accordingly.
- Ms. Patricia provided additional legal context, explaining that lower Courts had once ruled it was cruel and inhumane for the City to clear encampments, placing the burden on the City to provide housing. However, she noted that higher Courts have since reversed that decision, stating that the responsibility to house displaced individuals now lies with the County. This shift in legal interpretation will allow the City to close encampments more rapidly and exert pressure on the County to offer appropriate housing solutions.
- Ms. Patricia also shared that Fremont has adopted a particularly strict encampment policy. Notably, individuals can now be cited for feeding people within encampments, demonstrating how some jurisdictions are taking a more hardline approach to encampment regulation.
- Chiamaka asked how Oakland intends to manage encampments beyond the bureaucratic challenges. He sought to understand the City's broader vision and what Ms. Patricia's main goals and objectives are in shaping the policy.
- Ms. Patricia emphasized the importance of having an interdisciplinary team with clearly defined roles. Departments such as OPD, OFD, and others must follow their respective

protocols, and she noted that our Office has already engaged with these departments for feedback. Their critiques are now incorporated, and they strongly encouraged our Office to move forward with the policy amendments. She also explained that the County would play a significantly more involved and present role under the new framework. It will be the county's responsibility to house displaced individuals after encampment closures.

- Ms. Patricia identified several potential County-level partnerships and resources, such as Homekey programs, rapid housing initiatives, and Habitat for Humanity. She also mentioned that OUSD—as the largest landlord in Oakland—owns numerous vacant school properties. These properties could potentially be repurposed into housing resources for displaced residents, particularly if the community applies pressure to support such initiatives.
- Chiamaka followed up for clarification on whether the City plans to rely heavily on the County moving forward. He questioned the feasibility of expecting the County to take on a greater share of the responsibility.
- Georgia also asked how key figures—such as Supervisor Miley and AM Bonta—might assist in supporting this effort.
- Ms. Patricia confirmed that Oakland will, indeed, rely more heavily on the County, noting that the County has historically stepped in with millions in funding during past crises, such as the Chinatown fire and the COVID pandemic. She presented infographics that demonstrated Oakland has the highest rate of homelessness in Alameda County (58%) and made the case that Oakland should receive a proportional share of 58% of County resources and funding.
- She also pointed out that nearby Bay Area cities have adopted stronger encampment policies, resulting in a migration of displaced individuals into Oakland. She expressed a strong commitment to working with Supervisor Miley, AM Bonta, and other relevant stakeholders, as suggested by Georgia.
- As the meeting concluded, Ms. Patricia extended an open invitation to CM Brown's Office to reach out with any questions or concerns she may have as she continues to review and shape her understanding of the encampment management policy.

D1 Meeting Notes

- Ms. Patricia reviewed her proposed amendments with CM Unger, his Chief of Staff Keara, and his Legislative & Constituent Affairs staffer Ashley. She emphasized that, under Govenor Newsom's executive order, cities will be monitored on the rigidity of their encampment management policies, with State funding directly tired to these evaluations.
- Ms. Patricia highlighted that Alameda County is the fourth largest and second wealthiest County in CA, yet has a record of gatekeeping funds — referencing the ongoing lack of support for the current homeless crisis while simultaneously releasing funding after the Chinatown fires.
- When CM Unger inquired about potential Measure W funding to be allocated to her efforts, Ms. Patricia noted that our Office would follow up with further research.
- She then explained that once encampments are cleared, they become classified as a public health crisis — shifting responsibility to the County to provide long-term, equitable housing solutions. She also emphasized that after a hypothetical Council passage of this policy, there will be an urgent need for advocates to attend County meetings to apply pressure for funding release. She mentioned that CM Gallo has already committed to attend one such meeting and encouraged CM Unger to do the same, given his respected status in the community.
- In the spirit of comparing policies, CM Unger inquired about the specifies of nearby municipalities and their encampment management legislation, to which Ms. Patricia answered and reiterated that Fremont is the most restrictive City in Alameda County in terms of encampment management. While criminalization measures were considered, she and ACA Duffey decided against it due to limited staffing and resources.
- CM Unger referenced recent public concerns that the City is confiscating belongings when resolving encampments. Ms. Patricia clarified the City will store personal items (excluding vehicles, which under the new policy are no longer considered encampments). She also noted that the higher Courts' recent ruling that mandates storage of personal property will expire in 2026, and she intends to revise the policy then.
- Keara requested a better framework to understand the public health rationale. Ms. Patricia explained that the higher Courts' recent rulings state cities are no longer financially obligated to house the unhoused — that is the County's responsibility. Keara then suggested citing these higher Court rulings in the footnotes to prevent advocate pushback, which Ms. Patricia agreed to do.
- Ashley asked about a potential timeline for Council introduction and whether unhoused individuals would face arrest. Ms. Patricia assured her that, while

legally permissible, she preferred a more humanitarian approach. She also indicated that the City doesn't have the staffing to enforce such arrests. She also stated that Supervisor Miley is aware of the pending legislation, and unified community support is necessary to urge Ms. Susan from the County to release appropriate funding for Oakland.

- CM Unger expressed concern that this legislation could lead to more tents. Ms. Patricia countered that it would have the opposite effect, citing that Berkeley's strong RV policies under (then-Mayor) Jesse Arreguin has lead to a drastic decline in encampments. Unfortunately, it did lead to a vast migration of encampments into Oakland.
- CM Unger then proposed temporary safe parking zones, including limited use of Coliseum lots and the Army Base. Ms. Patricia responded positively and took note of the idea. He also raised concerns about community advocates and wanted their perspectives considered. Ms. Patricia then shared her research from attending seven other Bay Area City Council meetings and acknowledged that many advocates argue housing costs are exorbitant and encampment clearances inhumane. However, she reaffirmed that the higher Courts have already determined cities are not financially responsible — counties are. She stressed the need to balance housing rights and civil norms.
- Keara questioned the definition of "encampment" — currently defined as two or more individuals — and noted that even single-person encampments have caused significant disruption. Ms. Patricia acknowledged and recorded this feedback. Keara also requested civil codes be fully spelled out in the policy text and recommended consultation with city attorneys to ensure accuracy in footnotes. Ms. Patricia agreed.
- Keara then expressed concern over re-encampment enforcement, particularly if it leads to fines or arrests. Ms. Patricia admitted the City lacks the enforcement capacity, and while the policy allows for it, the intent is to discourage re-encampment. CM Unger then proposed removing unenforceable language from the final draft, cautioning against policies that might appear to criminalize poverty. Ms. Patricia reiterated that enforcement resources are insufficient, and made her case for having the legislation on record, as it may deter re-encampment until the County provides housing.
- Ashley then echoed concerns about even one arrest potentially upsetting the community. Ms. Patricia acknowledged this, noting that Sacramento, despite its hardline stance, has not made arrests — only issued citations and referrals. She also pointed out that San Jose criminally punishes those who refuse services, a route she chose not to pursue.

- CM Unger reaffirmed his commitment to exploring safe parking and offered to collaborate with Ms. Patricia in addressing the County for appropriate funding. She was pleased and encouraged by his support.
- CM Unger asked about the legislative timeline, to which Ms. Patricia confirmed the policy would move forward post-budget, but with urgency. She also intends to meet with the Homeless Commission Chair to align on their 2025 agenda and gather feedback on her amendments.
- Keara provided her final feedback, questioning the need to reiterate the existing 72-hour encampment clearance notice already codified in City law, and proposed citing the CVC code — feedback Ms. Patricia accepted. CM Unger acknowledged her input but suggested that sometimes "less is more."
- Keara then recommended rewording "active fire" to "evidence of fire" for clarity, which Ms. Patricia noted.
- Ms. Patricia then expressed disappointment that MACRO has not fulfilled its intended role in assisting with encampments. CM Unger shared her disappointment.
- CM Unger then noted his positive relationships with members of the Board of Supervisors and expects them to be receptive to the amendments. Ms. Patricia agreed with this sentiment, pointing out that some cities — most notably Los Angeles — are even suing their counties over homelessness responsibilities. For reference, LA has the highest number of encampments in the Country, particularly along Skid Row.
- As the meeting wrapped up, Ms. Patricia suggested exploring innovative housing options, including hempcrete housing, which costs about 25% of traditional units, is environmentally sustainable, fire-resistant, and a serious (and more importantly feasible) option to pursue. She also reminded CM Unger that OUSD is the largest landowner in Oakland and has many abandoned schools that could be repurposed for housing.
- Ashley inquired about the role of Churches. Ms. Patricia said Pastor Reems could assist, and Ashley mentioned two Catholic priests who may also be supportive. Ms. Patricia asked me to schedule a meeting with the LAC and the Bishop's Office.
- The meeting then adjourned.
- The next scheduled meeting is with the D2 Office.

D2 Meeting Notes

- In attendance were myself, Ms. Patricia, CM Kaplan, and Michael, her Policy Director.
- Ms. Patricia reviewed the edits she made to the EMP. She emphasized that these amendments are necessary to align with Governor Newsom's State-level requirements. The Governor has made it clear that he wants Oakland to adopt a stricter approach to encampment management, similar to other cities, in order to make meaningful progress on homelessness. Oakland currently ranks second in the State, after Los Angeles, in terms of chronic homelessness.
- Ms. Patricia also mentioned that Fremont has implemented a very strict encampment management policy, and while Oakland could have adopted similarly firm measures, it has not done so up to this point.
- CM Kaplan voiced her concern about re-encampment. She asked: "If encampments are removed, wouldn't people just return and re-establish them? And what would be done with the cleared encampment sites?"
- Ms. Patricia responded that once encampments are officially closed, they become the responsibility of the County. She cited recent higher Court rulings that support this, noting that services like vector control fall under County jurisdiction, not Oakland's. To prevent re-encampment, the City will install barriers and post signs warning against it. She noted that CM Houston has even used his own discretionary funds to pay for signs due to delays from the City.
- CM Kaplan expressed her support for the edits and added that Oakland cannot afford to lag behind Berkeley on encampment policy. She recalled that after (former Mayor) Jesse Arreguín passed RV legislation through the Berkeley City Council, many of Berkeley's RVs and encampments relocated to Oakland. She hoped that these policy amendments will help mitigate this kind of displacement.
- Ms. Patricia agreed with CM Kaplan's observations and shared her personal experience living at the Oakland-Berkeley border, close to the Ashby BART station. She mentioned a pending resolution authored by Mayor Ishii and CM O'Keefe that proposes studying potential sites for relocating homeless individuals. The local community strongly suspects that the Ashby BART station is being considered. Ms. Patricia stated that she gave public comment opposing this idea.
- CM Kaplan agreed that such a move would worsen homelessness issues for Oakland, especially given the BART station's location on the border. She acknowledged the difference between "controlled chaos" (encampments with showers, food, staff, and proper oversight) and completely unregulated encampments. She also mentioned that many of her constituents have reported serious public health concerns, such as sewage and waste being dumped into streets and waterways.

- Ms. Patricia concurred, stating that these concerns reinforce the need for a clear policy that assigns specific responsibilities to each City Department—OPD, OFD, etc.—instead of allowing confusion about roles to persist.
- CM Kaplan then discussed the issue of abandoned vehicles and lack of enforcement. She attributed some of the problem to funding cuts made under (former Mayor) Libby Schaaf's administration, particularly to auto towing enforcement. She referenced a past resolution she co-authored with CM Bas and CM Jenkins that aimed to use Measure BB funds (specifically Fund 2218) to strengthen towing services. She was encouraged to hear that vehicles will no longer be classified as encampments.
- Ms. Patricia welcomed this development and stressed the importance of pushing the County for Oakland's fair share of funding—specifically, 58%, as Oakland accounts for 58% of homelessness in the County.
- CM Kaplan brought up the prior resolution with CM Bas and CM Jenkins again, saying that it could support these policy amendments. She suggested Ms. Patricia cite it in the final draft, which she agreed to do.
- CM Kaplan emphasized the urgency of adopting a more proactive approach to encampment management. She pointed out that encampments drain City resources and prevent the City from generating revenue, especially during a budget deficit. She proposed the idea of leasing City-owned land to RVs for temporary use.
- When Ms. Patricia asked how such a proposal would be implemented, CM Kaplan suggested issuing a public notice of development opportunity to invite bids for this kind of project. CM Kaplan also floated the idea of temporarily housing people at the Alameda County Fairgrounds. She asked when the amended policy would be presented to Council.

5,000 residents, workers could be forced to move from Alameda County fairgrounds next month

Not only do horses need to be off the premises by March 25, but so do the families who reside in

the RV park at the county fairgrounds.

www.siliconvalley.com

-

- Ms. Patricia said that before scheduling, they still needed to meet with CM Fife, CM Ramachandran, and CM-Elect Wang. She also added that her plan after meeting with Oakland CMs is to engage regional partners—ie Berkeley, San Leandro, and Emeryville.
- Ms. Patricia also noted a growing trend across CA where cities are beginning to challenge their counties over homelessness funding. For example, LA and Long Beach are both suing their counties to obtain more resources.
- CM Kaplan continued to discuss the fairgrounds idea. Ms. Patricia agreed it could be a viable option but also brought up OUSD, which owns the largest amount of land in Oakland, including many abandoned school properties.
- She also noted that Oakland has already spent $12.6M on encampments, but a City audit revealed the money was not properly budgeted. She stressed that this kind of unaccounted spending cannot continue.
- CM Kaplan then mentioned an ordinance passed some time ago that allows homeowners and landlords to rent out land—such as their driveways—to RVs. While it passed Council, it has never been enforced.
- Ms. Patricia said she found this legislation interesting and shared her intention to present the new policy to the Homeless Commission for feedback. She asked CM Kaplan if she had any advice.Unfortunately, CM Kaplan replied that she had limited interaction with the Homeless Commission and didn't have much insight to offer.
- Ms. Patricia concluded by emphasizing that Alameda County is the second wealthiest County in the State after LA. She believes County staff, especially Ms. Susan, are gatekeeping vital funding. She argued that Oakland has a right to that money, and the County has an obligation to provide it.
- She then shared that CM Gallo and CM Houston have committed to attending an upcoming meeting with the County to advocate for this funding. She invited CM Kaplan to attend as well, given her seniority.
- CM Kaplan seemed interested and receptive. She also mentioned an earlier Council discussion about requiring RVs that wish to encamp to obtain permits or stickers, but acknowledged that the idea never fully materialized.
- The meeting was then adjourned.

Meeting Notes D3

- Ms. Patricia began the meeting by explaining that the original edits to the encampment management resolution were made by CM Reid and CM Jenkins. With CM Reid no longer in Office, CM Jenkins has been collaborating with CM Houston. She noted that they have conducted briefings with ACA Duffy, OPD, and OFD. In addition, they have held three meetings with the City Attorney's Office and have spoken with the majority of CMs.
- Ms. Patricia then reviewed her edits with CM Fife and shared a summary of a recent meeting with CM Kaplan's Office, where potential use of Measure BB funds was discussed. She noted that feedback from all parties has been largely positive.
- Ms. Patricia highlighted that Governor Newsom is now requiring Cities to formalize and strengthen their encampment management plans. Future State funding will depend on the rigor of these plans. She also referenced recent higher Court decisions clarifying that Counties—not Cities—bear the responsibility for housing unhoused populations.
- CM Houston expressed his appreciation for Ms. Patricia's work. He shared that he had visited D5 to speak with constituents about encampments. While he acknowledged that the plan is termed "encampment management," his technical goal is to "manage them out of existence." He emphasized the need for OPD and OFD to perform their duties and pointed out that encampments obstruct ADA compliance and basic City functions. He also argued that encampments near schools are dangerous and unfair to children.
- CM Houston then reiterated that housing the unhoused population is ultimately the County's responsibility.
- Ms. Patricia agreed, noting that a lack of coordination across agencies has created a public safety risk. She stressed the need for improved organization.
- CM Fife thanked them for their work and raised an important concern: many of the proposed amendments—such as prohibiting encampments near fire hydrants or those associated with illicit activity—are already part of existing policy, but enforcement has been lacking. She asked what would actually be different this time.
- CM Houston responded that under current policy, departments typically have to seek approval from Amari or the EMT before taking action. This protocol has been in place since 2020 and has failed over the past five years.
- Ms. Patricia concurred, adding that many City departments have expressed frustration at being unable to do their jobs under the current system. She reported that staff feedback suggests the new plan is about 80–85% strict, on a scale from 1 to 100. She noted that cities like Berkeley have already passed stricter measures, leading to an influx of RVs—over 75+—into Oakland. She emphasized that adopting this law would allow Oakland to be more competitive for future State grants and funding.

- CM Houston mentioned a conversation with Supervisor Nate Miley, who believes this policy change is long overdue. He noted that Oakland currently houses 58% of the County's homeless population and that his D7 constituents are increasingly frustrated. He shared that when the City took over two months to produce "No Encampment" signs, he used his own office's funds to create and install them. He warned CM Fife that the East 12th Street encampments are closing soon, and there's a high risk of re-encampment in D3.
- Ms. Patricia appreciated CM Houston's proactive REDACTED REDACTED
- CM Fife inquired about encampment management strategies in Fremont and Hayward.
- Ms. Patricia replied that Fremont has one of the strictest policies, even going so far as to issue citations to individuals who feed unhoused people.
- CM Houston brought up a constituent who has been towing abandoned vehicles on her own, which may pose a legal and safety risk—especially after a recent towing incident nearly caused an accident involving Amtrak. He expressed concern that OPD has been slow to cite the constituent.
- Ms. Patricia added that during her meeting with CM Kaplan, it was suggested that the Alameda County Fairgrounds might serve as a temporary placement site until permanent housing is secured. She reiterated that safety-net services are a County responsibility. While she admitted that the City of Oakland does not currently have a strong relationship with the County, she expressed confidence that collaboration could be improved.
- CM Fife acknowledged this reality, noting that she had recently spoken with LA Mayor Karen Bass, who expressed similar frustrations and is currently suing her County. CM Fife then asked Ms. Patricia what immediate actions could be taken to assist people transitioning out of encampments, and whether the HCD department has a role in this effort.
- CM Houston responded that the County has the financial resources to support homeless services and expressed confidence that Oakland's updated plan would succeed—especially in light of recent court rulings mandating the County's responsibility to provide housing.
- CM Fife raised the question of whether issuing an ultimatum to the County, including the threat of litigation, might be effective. Ms. Patricia confirmed that it could be.
- CM Fife voiced concern that the County might simply say no, but Ms. Patricia reiterated her belief that viable options exist—such as partnering with the OUSD abandoned schools or utilizing the County Fairgrounds. She maintained that a workable solution is possible.

- CM Fife briefly referenced a previously passed resolution that called for an informational report on safe parking sites in each District. She emphasized the importance of being clear and direct in communications with both the County and the State when presenting this new resolution. Overall, she appeared open-minded and engaged with the proposal.
- Meeting was then adjourned

D4 Meeting Notes

- In attendance were myself, Ms. Patricia, CM Houston, Lidit, Trinity, Iris (Chief of Staff to CM Ramachandran), and Rebecca (Constituent Liaison for CM Ramachandran). CM Ramachandran was unable to attend and expressed her regrets.
- Ms. Patricia began the meeting by reviewing her proposed amendments to the EMP. She mentioned an upcoming meeting with CA Flanders, where a decision is pending on which version of the EMP should be forwarded to the Homeless Commission.
- Iris noted that Rebecca is not fully familiar with the history of the EMP. In response, Ms. Patricia provided background context: the EMP was created in 2017, and in 2020, former CM Lauren Taylor drafted most of the current version. Despite its promising foundation, the EMP has shown low performance due to bureaucratic constraints. She emphasized that the City lacks a clear strategy for managing encampments and is now second (to LA) in terms of CA encampments. Ms. Patricia also referenced a past City Auditor report, which stressed the need for more structure, stronger data collection, and improved fiscal management, pointing out that over $12M+ had been spent without proper auditing.
- She further referenced the Martin v. Boise decision, a 9th Circuit Court ruling that deemed it cruel and unusual for cities to close encampments without offering housing. However, she noted that in July 2024, Judge Gorsek issued a contradictory ruling that cities do have the right to close encampments and declared the 9th Circuit's interpretation as an error.
- Iris thanked Ms. Patricia for her explanation and asked if the EMP is a living document and open to future amendments from CM Ramachandran. Ms. Patricia confirmed she is open to additional amendments.
- Iris then asked who is leading this effort and which departments have been involved. Ms. Patricia clarified that the project was initially started by Mayor Jenkins and CM Reid, and after CM Reid left office, CM Houston stepped in. She has since met with OPD, OFD, ACA Duffey, the City Attorney's Office, all other CMs including CM-elect Charlene Wang, as well as Mayor-elect Barbara Lee.
- When Iris inquired about the County's role, Ms. Patricia explained her intention to advocate for County funding, noting that Supervisors Bas and Miley have expressed support. She highlighted that Governor Newsom is now linking future State funding to cities' encampment management plans. Iris then asked if stricter policies would be accompanied by guaranteed State funding. Ms. Patricia expressed openness to engaging with the Governor on this and mentioned Measure W as a potential funding source. She argued that Oakland should receive 58% of the funding, since it accounts for 58% of the County's encampments. She clarified that Measure W is largely one-time funding, but could help construct immediate housing.

- Rebecca asked whether the current version of the document was solely based on OPD's input. Ms. Patricia responded by sending her another version that included feedback from all other various stakeholders. She went on to share that stakeholders so far are generally supportive of the amendments. She also brought up the upcoming encampment closure on East 12th St.
- Iris asked whether residents from East 12th St would be relocated to East Oakland near the airport. Ms. Patricia said no. Iris then voiced concern about displacing encampment residents, citing issues with past relocations like the Hegenberger Corridor. She emphasized the importance of better coordination and shared her frustration that past County funding often prioritized Berkeley encampments over Oakland encampments. Ms. Patricia agreed and mentioned that Oakland recently acquired a hotel near the Oakland-Emeryville border, where some people from East 12th St would be moved.
- Iris suggested reframing the issue as a "public safety crisis" rather than a "housing crisis," noting it might make more logistical and legal sense. She expressed that the County holds more financial and administrative power and should take greater accountability. Iris acknowledged that homelessness is not illegal and expressed empathy, but also noted that encampments are not sustainable in the long term. She cited examples like the Wood St housing development being used by people not originally from Oakland, including one tenant who was apparently from Utah. She also noted a pattern where unhoused individuals circulate between San Francisco, Emeryville, Berkeley, and Oakland, often appearing in multiple jurisdictions over time.
- Iris asked about the role of MACRO in addressing these issues. Ms. Patricia welcomed the idea, noting that CM-elect Wang had also raised this question. She said they are actively considering MACRO's involvement. Ms. Patricia also reviewed recent encampment closures at Wood St and Mosswood, noting both areas of successes and other areas needing improvement. She expressed confidence that the East 12th St closure would go more smoothly and confirmed that both she and I have committed to attending and supporting the process.
- Iris mentioned a Minister (don't remember his name) who had met with her two or three times and who is worried about the upcoming East 12th St closure. Ms. Patricia responded by reaffirming her commitment to continued outreach with Churches and social service providers.
- Rebecca brought up the Life Enrichment Committee meeting scheduled for next week, where the recent acquisition of the Extended Stay Hotel will be discussed, including how many individuals can realistically be housed there.
- Iris asked what is fundamentally different this time, given that many of the amendments already exist but are not well enforced. Ms. Patricia reiterated a point she's made in

other meetings: the goal now is to reduce reliance on Amari and the EMT and instead empower OPD and OFD to perform their roles more effectively.

- Ms. Patricia invited Iris and Rebecca to attend Monday's Supervisor meeting, where the Board will be discussing homelessness and hearing public comment. Toward the end of the meeting, Iris brought up concerns that some potential housing options may not be up to code and asked how this would be addressed. Ms. Patricia responded that Measure W could (potentially) provide the funding needed to ensure compliance and address these issues.
- Ms. Patricia concluded by confirming she will continue engaging with the City Attorney's office, the Homeless Commission, and other key stakeholders before submitting the final policy amendments to the Rules Committee.